

REMARKS

Applicants have carefully reviewed the Application in light of the final Office Action mailed on December 10, 2008. Applicants respectfully request reconsideration of the present application in light of the following remarks.

DOUBLE PATENTING

Under the non-statutory double patenting, claims 1, 9, 20, 26, and 44 stand rejected as being unpatentable over claim 24 of U.S. Patent No. 6,571,221, claims 1, 9, 20, and 26 stand rejected as being unpatentable over claims 1 of U.S. Patent No. 5,835,061, and claims 1, 9, and 20 stand rejected as being unpatentable over Claim 13 of U.S. Patent No. 5,835,061.

Applicants are willing to consider the possibility of submitting a terminal disclaimer in order to overcome the double patenting rejections when all other issues in the present applications have been resolved.

CLAIM REJECTIONS - 35 U.S.C. §§ 102 & 103

Claims 9 and 19 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,835,061 to Stewart ("the Stewart reference").

Under 35 U.S.C. § 103(a): claims 1-3 and 7 stand rejected as allegedly being unpatentable over the Stewart reference and Draft Standard P802.1Q/D11 ("P802.1Q/D11"); claims 4 and 31 over the Stewart reference, P802.1Q/D11, and U.S. Patent No. 5,864,667 to Barkan ("Barkan"); claims 10-11 and 13-14 over the Stewart reference and U.S. Patent No. 5,684,988 to Pitchaikani et al. ("Pitchaikani"); claims 12 and 15 over the Stewart reference, Pitchaikani, and RFC 1213 of McCloghrie ("McCloghrie"); claim 16 over the Stewart reference and Barkan; claims 17-18 over the Stewart reference and 802.11D-1997 ("802.11D"); claims 20-21 over the Stewart reference and "Billing User and Pricing for TCP" by Edell ("Edell"); claim 23 over the Stewart reference, Edell, and Barkan; claims 24-25 over the Stewart reference, Edell, and 802.11D; claims 26-27, 30, and 32 over the Stewart reference and Pitchaikani; claims 28-29, 33-37, and 41-43 over the Stewart reference, Pitchaikani, and 802.11D; claims 38-40 over the Stewart reference, Pitchaikani, 802.11D, and "A Channel Access Protocol for Multihop Wireless Channels with

Multiple Channels” by Muir (“Muir”); claims 4 and 31 over the Stewart reference, Pitchaikani, and Barkan; claims 44-50, 57-58, and 65 over the Stewart reference and Pitchaikani; claims 51-53 and 64 over the Stewart reference, Pitchaikani, and P802.1; claim 54 over the Stewart reference, Pitchaikani, and Barkan; claims 55-56 over the Stewart reference, Pitchaikani, and 802.11D; and Claims 59-63 over the Stewart reference, Pitchaikani, and “IP Tunnel MIB” by Thaler (“Thaler”).

Accordingly, based on the telephone examiner interview conducted on June 11, 2009, independent claims 1, 9, 20, 26, and 44 have been amended to further clarify the distinctions between the present application and the Stewart reference. Selected dependent claims have been amended to reflect the amendments made to the independent claims.

As explained during the examiner interview, the independent claims of the present application distinguishes from the Stewart reference at least in that the network service providers recited in the independent claims of the present application enable portable computing devices to *connect* wireless to a network. In contrast, the service and information providers disclosed in the Stewart reference merely provide some type of service or information to the portable computing devices *after* the portable computing devices have established connections to the network, i.e., *after the portable computing devices have connected to the network*.

For example, the Stewart reference (col. 6, lines 39-44) states that “service and information providers 20 may include car rental agencies, hotels, restaurants, airline reservation centers, banks, taxi service, bus and train reservation offices, printing services, on-line database services, message services, and E-mail providers” These types of service providers do *not* enable any portable computing devices to *connect* to the network. In order to access the service and information providers disclosed in the Stewart reference, a portable computing device must *already be connected to the network*. And one way for the portable computing device to *connect* to the network is through a network service provider as recited in the independent claims of the present application.

To clarify the distinction between a network service provider as disclosed in the present application and a service and information provider as disclosed in the Stewart reference, independent claims 1, 9, 20, 26, and 44 have been amended to recite, for example, each of the

VLANs is operable to enable portable computing devices to connect wirelessly to the network; or, each of the network service providers is operable to enable portable computing devices to connect wirelessly to the network.

The at least the above reasons, the independent claims are patentably distinct from the Steward reference. The pending dependent claims directly or indirectly depend from the independent claims and are therefore respectfully submitted to be patentable over the Stewart reference and selected cited secondary references for at least the reasons set forth above with respect to the independent claims.

CONCLUSION

In light of the foregoing, Applicants believe that all currently pending claims are presently in condition for allowance. Applicants respectfully request a timely Notice of Allowance be issued in this case.

If a telephone conference would advance prosecution of this Application, the Examiner may call or email Bernadette Lee, Attorney for Applicants, at 650-739-7506 or bernadette.lee@bakerbotts.com respectively.

The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully Submitted,
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